



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Cessation of Work at Mining/Tailings Sites and Other Related Actions at Superfund Sites

FROM: James E. Woolford, Director 
Office of Superfund Remediation and Technology Innovation

Reggie Cheatham, Director
Office of Emergency Management

TO: Regional Superfund Program Managers
Regions 1-10

PURPOSE

This memo directs EPA regional Superfund programs, both removal and remedial, to take specific steps at abandoned hardrock land mines, including tailings facilities in light of the Gold King Mine release in Colorado on August 5, 2015. These steps build on the cessation instructions Administrator McCarthy issued via email on Wednesday, August 12, 2015; they encompass actions affecting field work, as well as information-gathering activities.

BACKGROUND

A large release of mine wastewater into Cement Creek occurred while an EPA site assessment team was conducting site investigation activities. The EPA is working closely with responders, and local, state and tribal officials to monitor the release's impacts and to develop a response plan. The Agency is also in the initial stages of commencing an internal study of the mine release as well as an external, independent assessment of the event.

ACTION

Pursuant to Administrator McCarthy's August 12 directive, and this memorandum, the EPA regional Superfund programs should cease immediately any field remedial/removal assessment or investigation work at abandoned hardrock land mines (coal mines are excluded), including tailings facilities. This action does not apply to sites/projects where:

- Ceasing site operations poses or would pose an imminent threat to human life, or a significant increase in environmental risk greater than that if work halts; or
- EPA's emergency response program needs to address or is addressing an actual or potential imminent threat to public health or the environment; or
- A constructed remedy or ongoing construction is addressing mining-related releases; or
- There is no substantial hydraulic component (e.g., water-containing mining features such as mine workings, tailings dams, open pits and heap leach piles) related to the site/project.

At sites subject to this work stoppage, regional senior management (division director level) should consider each site's specific conditions and make a determination as to whether work should stop. All decisions, and the basis for them, should be documented. If work is stopped at a site, a region should thoroughly evaluate any immediate site threats and take appropriate response actions where necessary. Site work should not be restarted until completion of the Agency's internal review so that its conclusions/findings can be considered before work resumes. Superfund program offices should confer with their cognizant regional contracting officer(s) on any and all issues of a contractual nature (e.g., stop work orders, de-scoping, etc.) throughout this process. If a region has questions when making its site-specific determinations, please coordinate with Dana Stalcup, the Office of Superfund Remediation and Technology Innovation's Assessment and Remediation Division Director.

In addition to putting a hold on existing field investigations/assessments at mining/tailings sites, we are requesting that regional Superfund programs identify existing sites where work is either ongoing or planned and the threat of a potential release similar to the Gold King Mine site exists. The mining/tailings sites identified should draw from National Priorities List (NPL) sites with ongoing remedial investigations or other assessment work and non-NPL sites at which the following activities are occurring: pre-screening, preliminary assessment/site investigation or removal assessments. In some instances, a region may need to consult state counterparts for information related to sites at which a state is conducting the assessment/investigation work. Please provide this information by populating the spreadsheet sent to you via email by Dana Stalcup on August 13, 2015, and, when completed, send the table to Dana (Stalcup.Dana@epa.gov) by August 14, 2015.

CONCLUSION

It is imperative that EPA rigorously evaluate site conditions at any mining/tailings sites where the threat of a potential release similar to that of the Gold King Mine exists. We are all deeply committed to ensuring protection of human health and the environment, and undertaking the actions identified in this memo will be critical to fulfilling our commitment. If you or your staff have any questions about this memo, please contact Dana Stalcup (703-603-8702).

Cc: Mathy Stanislaus, OSWER
Barry Breen, OSWER
Nitin Natarajan, OSWER
Office of Regional Counsel (Regions 1-10)